

## **Notice of Hearing**

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule to revise ch. NR 102, relating to site-specific phosphorus water quality criteria for Petenwell Lake, Castle Rock Lake, and Lake Wisconsin, at the time and places shown below.

### **Hearing Information**

Date: August 13, 2019

Time: 1:30 p.m.

Locations: Wood County Land & Water Conservation Dept.  
River Block  
111 W. Jackson St.  
Wisconsin Rapids WI, 54495

Columbia County Health and Human Services  
111 E. Mullett Street  
Portage, WI 53901

Department of Natural Resources Service Center  
107 Sutliff Ave  
Rhinelander, WI 54501

### **Rule Information**

The proposed rule will create phosphorus site-specific criteria (SSC) for three waterbodies, Petenwell Lake located in Wood, Juneau, and Adams Counties, Castle Rock Lake located in Adams and Juneau Counties, and Lake Wisconsin located in Columbia and Sauk Counties. Pursuant to s. NR 102.06 (7), Wis. Adm. Code, and s. 281.15, Wis. Stats., the Department of Natural Resources (department) has the authority to develop an SSC in place of the current applicable phosphorus criteria in s. NR 102.06, Wis. Adm. Code, where site-specific and scientifically defensible data and analysis demonstrate a different criterion is protective of the designated use of a specific surface waterbody.

The department is proposing rules to establish SSC for the three waterbodies because modeling and analysis of monitoring data conducted during the development of the legislative initiated Wisconsin River Basin Total Maximum Daily Load (TMDL) has concluded that the current statewide phosphorus criteria for Petenwell Lake and Castle Rock Lake are more restrictive than needed to protect the designated uses and that the current phosphorus criterion for Lake Wisconsin is not sufficiently protective of the designated uses. The designated uses associated with the phosphorus criteria for reservoirs and lakes are recreational uses and aquatic life uses.

### **Accessibility**

1. Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter at least 10 days before the date of the scheduled hearing, by writing to e-mail [Marcia.Willhite@wisconsin.gov](mailto:Marcia.Willhite@wisconsin.gov).
2. Alternatively, you may contact the Department of Natural Resources TDD at (608) 267-6897. The hearing facility is accessible to disabled users.
3. Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call with specific information on your request at least 10 days before the date of the scheduled hearing.
4. Handicap access is available at the hearing location.

### **Appearances at the Hearing and Submittal of Written Comments**

The public has the opportunity to testify at the hearing. Registration will take place at the hearing by completing a Hearing Appearance form, which will be provided. Comments on the proposed rule must be received on or before August 20, 2019. The Hearing Appearance form also can be used for submitting a written comment at the hearing. Written comments may be submitted by U.S. mail, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Department of Natural Resources  
Attn: Marcia Willhite – WY/3  
P.O. Box 7921  
101 S. Webster Street,  
Madison, WI 53707-7921  
[Marcia.Willhite@wisconsin.gov](mailto:Marcia.Willhite@wisconsin.gov)

The rule may be viewed at: <https://dnr.wi.gov/news/input/ProposedPermanent.html>

Comments can also be made at: [DNRAdministrativeRulesComments@wisconsin.gov](mailto:DNRAdministrativeRulesComments@wisconsin.gov)

### **Initial Regulatory Flexibility Analysis**

The department has determined the rule will have no direct effect on small business. The fiscal impacts from the proposed rules will affect WPDES permitted municipalities and industries (with phosphorus discharges to surface waters) that aren't considered small businesses. There may be an indirect effect on small businesses that discharge to municipal wastewater treatment plants, but this impact is very difficult to estimate because user fees are set by the municipality. The rule does not create any reporting, bookkeeping or other compliance procedures for any regulated facilities.

This rule will not impose additional pollution reduction requirements for nonpoint sources and CAFOs as the establishment of the recommended SSC itself does not invoke any new regulatory requirements for nonpoint sources or CAFOs.

For Lake Wisconsin, the recommended SSC allows TMDL allocations to be assigned such that water quality and the designated uses can be attained for the lake. Attainment of the designated uses is anticipated to have economic benefits for recreational activities such as boating and fishing, small business involved in the service and tourism industry, and increased property values due to improved water quality.

**Agency Small Business Regulatory Coordinator**

Daniela Branco, (608) 266-7524  
[DanielaH.Branco@wisconsin.gov](mailto:DanielaH.Branco@wisconsin.gov)

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_

Preston D. Cole, Secretary